

THIS NEW RULE RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON MAY 9, 2008. IT IS SCHEDULED TO BE PUBLISHED IN THE JUNE 1, 2008 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF JULY 8, 2008

DRAFT
MAY 9, 2008

R277. Education, Administration.

R277-525. Special Educator Stipends.

R277-525-1. Definitions.

A. "After the school year" means two weeks after the final day of the required contract period, as determined by the employer. For year-round schools, "after the school year" means off-track periods, but not vacation periods.

B. "Before the school year" means two weeks before the first day of the required contract period, as determined by the employer.

C. "Board" means the Utah State Board of Education.

D. "Duties related to the IEP process" means;

(1) duties/responsibilities provided in 53A-17a-156(4);

(2) preparing paperwork related to the implementation of IDEA;
and

(3) other duties or responsibilities related to the IEP process, as determined by the special educator.

Duties related to the IEP process do not include:

(1) professional development;

(2) district level planning; and

(3) direct student instruction.

E. "Federal law regulating students with disabilities" means the Individual with Disabilities Education Act (IDEA), Title 1, Part A, Section 602.

F. "Special educator," for purposes of this rule, means:

(1) a licensed special education teacher as defined under 53A-17a-158(c); or

(2) a licensed speech-language pathologist as defined under Section 53A-17a-158(c).

G. "Special education teacher" means an individual who has a Utah educator license with a special education area of concentration and whose primary assignment is the instruction of students with disabilities who are eligible for special education services.

H. "Speech-language pathologist" means an individual who has a Utah educator license with a speech-language pathologist area of concentration or a speech-language pathologist license and whose primary assignment is the instruction of students with disabilities who are eligible for special education services.

I. "USOE" means the Utah State Office of Education.

J. "Work day for special educator" means the special educator's contract day as determined by the employer. Stipends shall only be paid for actual days worked. A teacher shall not be paid if days/hours are not actually worked. Days are not transferable among teachers.

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R277-525-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities, and Section 53A-17a-158 which requires the Board to distribute money appropriated for stipends for special educators for additional days of work.

B. The purpose of this rule is provide standards and procedures for distributing money appropriated for stipends for special educators for additional days of work:

(1) in recognition of the added duties and responsibilities assumed by special educators to comply with federal law regulating the education of students with disabilities; and

(2) the need to attract and retain qualified special educators.

R277-525-3. School District/Charter School Responsibilities.

A. School districts and charter schools shall contract with individual special educators, defined under R277-525-1F, and request in writing from the special educators:

(1) the number of days (not to exceed 10 or the number of days established by the Board) that the special educator commits to work consistent with R277-525-1G and H; and

(2) the time period (before the school year begins or after the school year ends) that the special educator commits to working the additional days.

B. Special educators hired by school districts/charter schools after October 15 shall receive funding for extra days to the extent of funds available.

C. School districts/charter schools shall submit an invoice to the USOE twice within a fiscal year (July 1 to June 30) for reimbursement for additional contract days worked by special educators as follows:

(1) no later than October 1 for special educators who worked before the school year began; and

(2) no later than June 30 for special educators who worked after the school year ended.

D. School districts/charter schools shall submit a final report to the USOE no later than June 30 annually that provides:

(1) the number of contract days worked by designated special educators;

(2) data and information compiled about hours, duties and responsibilities completed by special educators during additional days on a tracking and accounting form provided by the USOE or

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using another form acceptable to the USOE; and
(3) other assessment or evaluation information requested from the USOE.

R277-525-4. Board/USOE Responsibilities.

A. The Board shall annually review this program and determine, based upon the annual appropriation, the number of special education days that shall be funded.

B. To simplify accounting and evaluation requirements for school districts and charter schools, the USOE shall:

(1) provide model tracking and accounting materials to school districts and charter schools before June 1, 2008.

(2) provide a checklist of appropriate duties or tasks for special educators consistent with R277-525-1D.

(3) distribute funds to participating school districts and charter schools for eligible special educators on a semiannual basis.

(4) request and collect data regarding use of days for appropriate accountability and evaluation.

KEY: special educators, stipends

Date of Enactment or Last Substantive Amendment: 2008

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-17a-158